

Bond. may in their discretion require a bond from any such person, firm or corporation engaged in the business of buying or handling pilchard or in the reducing of pilchard into oil and meal, guaranteeing the payment of said fee.

Falsification. It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the director of fisheries, or to violate any of the provisions of this section.

Penalty. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Effective immediately.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions and shall take effect March 31st, 1937.

Passed the House March 5, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 151.

[H. B. 308.]

LAPSE OF LEGACIES AND DEVISES.

AN ACT relating to certain legacies and devises, and providing for the lapse or distribution thereof.

Be it enacted by the Legislature of the State of Washington:

Legacies and devises lapsed, when.

SECTION 1. Whenever any person having died leaving a will which has been admitted to probate, shall by said will have given, devised or bequeathed unto any person, a legacy or a devise upon the condition that said person survive him, and not other-

wise, such legacy or devise shall lapse and fall into the residue of said estate to be distributed according to the residuary clause, if there be one, of said will, and if there be none then according to the laws of descent, unless said legatee or devisee, as the case may be, or his heirs, administrators, executors, or someone in behalf of such legatee or devisee, shall appear before the court which is administering said estate within seven years from and after the date the said will was admitted to probate, and prove to the satisfaction of the court that the said legatee or devisee, as the case may be, did in fact survive the testator: *Provided, however,* That in estates now in the course of probate, where the seven-year period above mentioned has already elapsed, such legatee or devisee, his heirs, administrators or executors shall have six months from and after the day this act takes effect to appear and offer proof that said legatee or devisee, as the case may be, did in fact survive the testator.

Estates in
course of
probate.

SEC. 2. If it shall be made to appear to the satisfaction of said court within the time fixed by section 1 of this act that such legatee or devisee, as the case may be, did in fact survive the testator, but that such legatee, or devisee, is an absentee within the meaning of chapter thirty-nine of the Session Laws of 1915, then and in that event the court shall by appropriate order direct the said legacy or devise to be distributed to a trustee appointed and qualified as provided for in said chapter thirty-nine of the Session Laws of 1915.

Absentee.

SEC. 3. The executor, residuary legatee, or any heir at law of any such estate, may by sworn petition call the attention of the court to the fact that the periods of time set forth in section 1 of this act have elapsed, and that such legatee or devisee, his heirs, administrators, executors, or anyone in his behalf, has not appeared and proved to the satisfaction

Petition for
order.

Order. of the court that such legatee or devisee survived the testator, and if it appear from the records of the proceedings in said estate that the allegations of the petition are true, it shall be the duty of the court to enter an appropriate order declaring such legacy or devise to have lapsed, and directing its disposition as provided for in section 1 of this act.

Petition of executor.

SEC. 4. Every executor of such an estate shall, within two years after the said will has been admitted to probate, file in said probate proceedings a sworn petition which shall set out in detail the name and last known address of any such legatee or devisee, the circumstances of his departure from that address, if known; his occupation or business, if known; the fact that the executor has been unable to locate him or to ascertain whether or not he survived the testator; and all other facts within the knowledge of the executor, which may aid the court in determining the best and most advantageous method to employ in attempting to locate said legatee or devisee. Upon such a petition being filed it shall be the duty of the court, and the court shall have the power, to call before it the executor and such witnesses as may be necessary, and examine them under oath as to the truth of the allegations in said petition. After the hearing the court may direct such notice to be given as it shall think will most likely come to the attention of said legatee or devisee, or persons who might know him. Such notice shall be given for such a length of time and in such places as the court may order, and shall set forth the fact that a legacy or devise, as the case may be, awaits the person therein named, and shall call upon all persons having any knowledge concerning the said person or his whereabouts to notify the court of all the facts within their knowledge concerning said person, within a time therein stated: *Provided*, That in such estates now in the course of probate where

Notice to legatee or devisee.

Estates in course of probate.

the two year period above mentioned has already elapsed, said executor shall, within a reasonable time from and after the date this act takes effect, file the petition provided for in this section.

Passed the House March 11, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 152.

[H. B. 330.]

PREVENTION OF FOREST FIRES.

AN ACT for the protection of forests and the prevention and suppression of fires, and amending sections 5794, and 5806 of Remington's Revised Statutes, and setting up provisions for closure of logging operations during abnormal forest fire weather.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 5794, Remington's Revised Statutes, be and it is hereby amended to read as follows:

Amends
§ 5794, Rem.
Rev. Stat.
(§ 2571 P. C.)

Section 5794. It shall be unlawful for anyone to operate any spark-emitting railroad logging locomotive, logging or farming engine or boiler during the closed season, or for any one to operate any spark-emitting locomotive, within one-quarter ($\frac{1}{4}$) of one (1) mile of any forest material during the closed season, without such railroad or logging locomotive is provided with and uses a safe and suitable device for arresting sparks, a suitable power pump of not less than 3" x 2" x 3" or equivalent steam pump, with a discharge air chamber, three hundred (300) feet of one and one-half ($1\frac{1}{2}$) inch hose equipped with a standard nozzle, three (3) axes, six (6) shovels, one (1) five (5) gallon hand pump, two (2) bucking saws, six (6) mattocks or the serviceable equivalent

Locomotives,
spark-
arresters.